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1623



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*Admitted only in Maryland
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*Practice Limited to Federal Agencies

July 23, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1623

Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 09/058,350; Filed: April 10, 1998
For: **RNA Isolation Reagent and Methods**
Inventor: Domenica A. Simms
Our Ref: 0942.3840001/RWE/CJW

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Sixth Supplemental Information Disclosure Statement;
2. Form PTO-1449 (1 sheet) and accompanying reference; and
3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
July 23, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Christopher J. Walsh
Agent for Applicant
Registration No. 55,709

CJW/dab
289688_1.DOC
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Simms, Domenica

Appl. No.: 09/058,350

Filed: April 10, 1998

For: **RNA Isolation Reagent and
Methods**

Confirmation No.: 7377

Art Unit: 1623

Examiner: Owens, Jr., Howard V.

Atty. Docket: 0942.3840001/RWE/CJW

Sixth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of the document is also provided.

The numbering on this Sixth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Fifth Supplemental Information Disclosure Statement filed June 24, 2004, in connection with the above-captioned application.

Attached to the Notice of Allowance and Fees Due dated March 24, 2004, were copies of the Form PTO-1449 of the Fourth Supplemental Information Disclosure Statement filed November 6, 2003. The Examiner lined through one document cited on the Form PTO-1449, indicating the reference was not considered. Specifically, Document AM1 was not considered.

"An information disclosure statement *shall* be considered by the Office if filed...[b]efore the mailing date of a first Office action after the filing of a request for continued examination under § 1.114." 37 C.F.R. § 1.97(b)(4) (2003) (emphasis added). The Examiner, therefore, has no discretion in considering the documents submitted in Applicants' IDS filed on November 6, 2003, which is before the March 24, 2004 mailing date of the Notice of Allowance and Fees Due. Applicants respectfully request the Examiner consider document AM1, initial the Forms PTO-1449 and forward a copy of the initialed forms to Applicants' undersigned representative. Courtesy copies of page 1 of the Form PTO-1449 is attached for the Examiner's convenience.

Document AM1, JP 61-132189 A, is in the Japanese language. An unverified English language translation is submitted herewith as document AO1. In accordance with M.P.E.P. § 609, "[i]f a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required." Unverified English language abstracts of document AM1 were submitted in Applicant's Fourth Supplemental IDS filed on November 6, 2003, as Documents AR4 and AS4.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Sixth Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Christopher J. Walsh
Agent for Applicant
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Date: July 23, 2004

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FORM PTO-1449

FOURTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
0942.3840001/RWE/B-CAPPLICATION NO.
09/058,350APPLICANT
Domenica A. SIMMSFILING DATE
April 10, 1998GROUP
1623

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD1						
	AE1						
	AF						
	AG1						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATIO N
	AL						Yes No
	AM1	JP 61-132189	06/19/1986	Japan			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

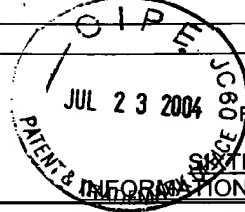
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>3</u>	C. Robaglia et al., "Evolution and replication of tobacco ringspot virus satellite RNA mutants," <i>The EMBO Journal</i> , vol. 12 no. 7 pp. 2969-2976, Oxford University Press (1993)
	AT	<u>3</u>	EPO Doc/Bibliographic information for JP 61-132-189

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Page 1 of 1							
 FORM PTO-1449 SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 0942.3840001/RWE/CJW FIRST NAMED INVENTOR Simms, Domenica FILING DATE April 10, 1998		APPLICATION NO. 09/058,350 ART UNIT 1623			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	AA	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	AL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR		Unverified English translation of Japanese Publication No. JP 61-132189 A (Document AM1).				
	AS						
	AT	<u>8</u>					
EXAMINER					DATE CONSIDERED		
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